

GOVERNMENT OF ANDHRA PRADESH

**ABSTRACT**

Forest Department- Diversion of 3731.07 ha. (3437.00 ha. notified forest area plus 258.07 ha. deemed forest land as per Hon'ble Supreme Court's definition) of forest land for Indira Sagar (Polavaram) Multipurpose Project across Godavari River, in the State of Andhra Pradesh - Permission accorded- Orders issued.

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ENVIRONMENT, FORESTS, SCIENCE AND TECHNOLOGY (FOR.I) DEPARTMENT

**G.O.Ms.No. 136**

**Dated:9 -08-2010**

**Read the following:-**

1. From Prl.CCF. A.P, Hyderabad. Lr.No. 53045/2005/F1, dt. 5-12-2005.
2. State Government letter No.9437/For.I (1)/2005, Dated: 12-12-2005.
3. From GOI, MoEF, New Delhi, Lr.No. 8-123/2005-FC, dt.26-12-2008
4. State Government letter No. 9437/For.I (1)/2005-30, Dated: 2-9-2009.
5. From GOI, MoEF, New Delhi, Lr.F.No. 8-123/2005-FC, dated:28-07-2010.

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**ORDER:**

The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad in his letter 1<sup>st</sup> read above, had submitted a proposal under Forest (Conservation) Act, 1980, for diversion of 3731.07 ha. (3437.00 ha. notified forest area plus 258.07 ha. deemed forest land as per Hon'ble Supreme Court's definition) of forest land for Indira Sagar (Polavaram) Multipurpose Project across Godavari River, in the State of Andhra Pradesh and requested to send the same to Government of India, Ministry of Environment & Forests for their approval under Section-2 of Forest (Conservation) Act, 1980.

2. The said proposal has been sent to Government of India for their approval under Forest (C ) Act, 1980 vide State Government letter 2<sup>nd</sup> read above. The Government of India in their letter 3<sup>rd</sup> read above, have accorded their approval in principle (Stage.I) for the proposal, subject to compliance of certain conditions. The State Government vide letter 4<sup>th</sup> cited, have furnished a compliance report on the conditions stipulated by the Government of India.

3. The Government of India in their letter 5<sup>th</sup> read above, have accorded final approval (Stage.II) under Section-2 of Forest (Conservation) Act, 1980, for diversion of 3731.07 ha. (3437.00 ha. notified forest area plus 258.07 ha. deemed forest land as per Hon'ble Supreme Court's definition) of forest land for Indira Sagar (Polavaram) Multipurpose Project across Godavari River, in the State of Andhra Pradesh, subject to certain conditions.

4. The Government after examination of the proposal, hereby accord permission to the Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad for diversion of 3731.07 ha. (3437.00 ha. notified forest area plus 258.07 ha. deemed forest land as per Hon'ble Supreme Court's definition) of forest land for Indira Sagar (Polavaram) Multipurpose Project across Godavari River in the State of Andhra Pradesh, subject to the following conditions:

1. The legal status of the forest land shall remain unchanged.
2. The non-forest land identified for CA shall be declared as Reserve Forest / Protected Forest under the Indian Forest Act, 1927, or the local Forest Act, as the case may be, and the same shall be intimated to the Ministry of Environment and Forests

3. The User Agency shall implement the Catchment Area Treatment Plan under the supervision of State forest department.
4. Additional amount of the Net Present Value (NPV) of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India shall be charged by the State Government from the user agency.
5. The User Agency shall demarcate on ground the forest area diverted at the project cost, using four feet high RCC pillars, with each pillar inscribed with the serial number, forward and backward bearings and distance between two adjacent pillars.
6. The User Agency shall take measures to protect flora and fauna in and around the project area.
7. The User Agency shall submit to the Ministry of Environment and Forests a report of a detailed study at the project being undertaken by the Wildlife Institute of India (WII) Dehradun, to assess the effect of the project on the flora and fauna and to suggest appropriate mitigative measures, including suitable mitigation measures required to be taken to take care of fragmentation of the habitat because of construction of canals, and shall provide funds for implementation of such mitigation measures.
8. The State Government shall implement the comprehensive wildlife management plan prepared by the State Forest Department in consultation with the Wildlife Institute of India and provide necessary infrastructure and manpower for its implementation.
9. State Forest Department authorities shall have free rights to use the project roads, approaches, watercourses, facilities of motor launches, rest houses, water for nursery / forest works and similar facilities to manage forest and Wildlife Sanctuary without any hindrance.
10. The Project Authority shall maintain flow of water in the down-stream course of river equal to the normal flow of water existing in pre-dam situation.
11. An impact Assessment of impounding of water by construction of the dam on the river on aquatic flora and fauna shall be taken up immediately at the project cost through a reputed national institute having expertise in the studies on aquatic flora and fauna. The cost of mitigative measures shall be borne by the User Agency.
12. Any tree felling shall be done only when it is unavoidable under strict supervision of the State Forest Department.
13. Reservoir created under the project shall be declared as Reserved Forest under the Indian forest Act, 1972 with regulated fishing rights.
14. Planting of native tree species shall be undertaken on vacant land along the reservoirs and canals.
15. No tree felling in the area between FRL and FRL - 4m. levels shall be carried out.
16. Catchment Area Treatment Plan shall be implemented under the supervision of State Forest Department at the project cost.
17. No labour camps shall be set up inside the forest area.

18. No damage to the flora and fauna of the area shall be caused.
19. The forest land shall not be used for any purpose other than that specified in the proposal.
20. All the conditions stipulated by the National Board for Wild Life (NBWL) while granting approval to the project, shall be strictly adhered to by the user agency.
21. An independent Monitoring Committee with representatives of the MoEF, WII, APFD and reputed NGOs may be constituted to monitor and supervise the implementation of the above conditions related to protection and conservation of wildlife.
22. All the conditions to be stipulated by the Hon'ble Supreme Court of India as well as the High court of Andhra Pradesh shall be strictly adhered to by the User Agency.
23. This approval shall be subject to the orders to be passed by the Hon'ble Supreme Court in I.A.s No.1572, 1578 and any other IA on this project in WP(C)No.202 of 1995 as per the order of Hon'ble Supreme Court dated 19.09.2008 as below:-  
  
**“Needless to say that the other recommendations of the CEC may also be complied with by the applicants. The matter shall be heard for final permission. No equity shall be claimed because of present clearance.”**
24. This approval shall also be subject to the orders to be passed by the Hon'ble High Court of Andhra Pradesh in WPNo.17836/05 and connected matters.
25. The plan approved by Ministry of Tribal Affairs and their conditionalities may be followed as produced below:  
  
*“(a) The Government of Andhra Pradesh, under the technical guidance of the Central Water Commission, shall ensure that no submergence and displacement of people including Scheduled Tribes (STs) takes place in the territories of States of Orissa and Chhattisgarh, and the population of these two States including STs does not get adversely affected in any manner, either by changes in drainage regime or by any kind of primary / secondary displacements.”*
26. All other conditions under different rules, regulations and guidelines including environmental clearance shall be complied with before transfer of forest land.
27. The project proposal should be implemented as per the technical clearance given by the CWC and the provisions / decisions of Inter-State Agreement and GWT Award of 1980.
28. The User Agency will ensure that in no case, there should be any submergence of forest land in Orissa and Chhattisgarh which will tantamount to violation of Forest (Conservation) Act, 1980 as no land has been diverted for submergence in Chhattisgarh and Orissa.
29. The Government of Andhra Pradesh and the User Agency shall ensure that the approved Rehabilitation and Resettlement (R&R) Package is implemented in a time bound, transparent, and *pari passu* manner.

30. The State Government or the Ministry of Environment & Forests including its Regional Office (Southern Zone), Bangalore may impose any condition from time to time for protection and improvement of flora and fauna in the forest area, shall also be applicable.
31. The Government of Andhra Pradesh shall constitute a Monitoring Committee under Chairmanship of the Chief Secretary or any other official of higher rank and having a representative from the Ministry of Environment & Forests as its Member to monitor implementation of all the aforementioned conditions in general, and implementation of Rehabilitation and Resettlement Package / Plan, in particular.
32. The Government of Andhra Pradesh and the User Agency shall provide all necessary assistance to the Ministry of Environment & Forests Ministry of Environment & Forests including its Regional Office (Southern Zone), Bangalore to monitor compliance to the aforesaid conditions.
5. The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad is directed to take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

JANAKI R.KONDAPI,  
SPECIAL CHIEF SECRETARY TO GOVERNMENT.

To  
The Principal Chief Conservator of Forests,  
Andhra Pradesh, Hyderabad.

Copy to:  
The Principal Secretary to Government, (Projects), Irrigation & CAD Department.  
The Chief Engineer, Indira Sagar Polavaram Project, Dowlaiswaram – 533 125.

//FORWARDED BY ORDER//

SECTION OFFICER.

